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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,882	04/21/2006	All Jomaa	2471.0020000	5819
26111 7590 04/14/2008 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
JONES, MARCUS D				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,882

Applicant(s)

JOMAA ET AL.

Examiner

MARCUS D. JONES

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☒ Claim(s) 21 and 23 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date IDS(21 April 2006), IDS(17 January 2007)
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

1. Claim 23 is objected to because of the following informalities: Claim 23 appears to depend on claim 21 which is drawn to a method; however, claim 23 is drawn to an apparatus. It is the belief of the Examiner that claim 23 was intended to depend on claim 22, and will be treated as such for the remainder of this Office Action. Appropriate correction is required.
2. Claim 21 is objected to because it contains Markush language, but does not appear in Markush format. Correction is required. See MPEP §2173.05(h).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9, 11, 17-18, 21-22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Olsen (US 6,110,043).

In reference to claims 1 and 22, Olsen discloses: A method of allocating a prize using a gaming apparatus, the apparatus including: a primary controller for determining the award of a prize (col 1, ln 63); and an auxiliary controller capable of communication with the primary controller, the auxiliary controller being further capable of communication with one or more gaming terminals (col 13, ln 6-8), the method including the steps of: receipt by the auxiliary controller of data from one or more of the gaming terminals, the data including at least one gaming terminal identifier and associated gaming terminal accumulated amount (col 1, ln 64-67); storage of the data in a memory accessible to the auxiliary controller (col 13, ln 10-11); being responsive to the gaming terminal accumulated amounts for deriving a total contributory amount (col 2, ln 15-19); communication from the auxiliary controller to the primary controller of the total contributory amount (col 1, ln 64-65); determination by the primary controller of whether or not to award a prize based upon the total contributory amount (col 2, ln 42-45); where the determination is to award a prize, communication from the primary controller to the auxiliary controller of data associated with the determination; and analysis by the auxiliary controller of the data associated with the determination and the data stored in the memory to determine to which of the gaming terminals the prize is to be allocated (col 2, ln 47-51).

In reference to claims 2 and 3, Olsen discloses: the step of being responsive to each gaming terminal accumulated amount for deriving a respective contributory

amount and the step of being responsive to the gaming terminal accumulated amounts to derive a total accumulated amount (col 5, ln 66 - col 6, ln 1).

In reference to claim 4, Olsen discloses: wherein the total contributory amount is a portion of the total accumulated amount (col 7, ln 17-19).

In reference to claim 5, Olsen discloses: wherein the total contributory amount is any one of a proportion, fraction or percentage of the total accumulated amount (col 7, ln 28-31).

In reference to claim 6, Olsen discloses: wherein the proportion, fraction or percentage is calculated by a comparison of a portion of the total accumulated amount and the total accumulated amount (col 7, ln 31-38).

In reference to claim 9, Olsen discloses: wherein the apparatus includes a plurality of auxiliary controllers each capable of communication with the primary controller and each capable of communication with a respective set of one or more gaming machines (col 13, ln 6-8).

In reference to claim 11, Olsen discloses: the step of communication from the auxiliary controller to the primary controller of an auxiliary controller identifier (col 13, ln 6-8).

In reference to claim 17, Olsen discloses: the step of communicating a win message from the auxiliary controller to the gaming terminal to which the prize is to be allocated (col 9, ln 30-37).

In reference to claim 18, Olsen discloses: the step of communicating a win message from the auxiliary controller to the primary controller (col 9, ln 58-60).

In reference to claim 21, Olsen discloses: wherein the gaming terminals include any one or more of the following: a poker machine; a point of sale register; a mobile phone; a personal computer; an access control point; and a television (col 1, ln 10-11).

In reference to claim 24, Olsen discloses: A method of allocating a prize in a gaming system having a primary controller, an auxiliary controller and a plurality of gaming terminals, the method including the steps of: collating and storing data at the auxiliary controller indicative of accumulated amounts associated with one or more of the gaming terminals (col 2, ln 15-19 and col 2, ln 32-35); calculating a total contributory amount at the auxiliary controller (col 2, ln 15-19); communicating the total contributory amount to the primary controller (col 1, ln 64-65); using the primary controller to determine whether or not to award a prize and to determine data associated with the determination; communicating the data associated with the determination to the auxiliary controller; and using the auxiliary controller to determine to which of the gaming terminals the prize should be awarded (col 2, ln 47-51).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 12-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,110,043).**

In reference to claim 12, Olsen discloses all the elements of this claim. Olsen discloses storing accumulated amounts associated with one or more gaming machines (col 2, ln 15-19 and col 2, ln 32-35). It would have been obvious to a person having ordinary skill in the art at the time of the invention to maintain a record of the gaming machines and the amount of money they contribute to the overall jackpot. It is an obvious matter of design choice to store this information chronological order. There is no advantage to storing the data in chronological order over grouping the data by gaming machine identification, for example.

In reference to claim 13, Olsen discloses all the elements of this claim. Olsen further discloses the information is received and transmitted from gaming machines to the central controller. The information that is received from the gaming machines contains identification information that is attributable to particular gaming machines (col 5, ln 40-45). It would have been obvious to a person having ordinary skill in the art at the time of the invention that inventory information pertaining to the gaming machines would be a part of the information transmitted to the central controller.

In reference to claims 14, 15 and 16, Olsen discloses the controller recalculating or incrementing the current jackpot amount on a continuous basis since players begin game play at different times (col 2, ln 15-22). It would have been a matter of obvious design choice to perform this action at one or two second intervals. There is no particular advantage to receiving the updated information at a specified time period.

In reference to claims 19 and 20, Olsen discloses all the elements of these claims. It would have been a matter of obvious design choice to perform the method at

least once every two to three seconds or five seconds. There is no particular advantage to performing the method in a specified time period.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,110,043) as applied to the claims above, and further in view of Karmarkar (US 6,508,709).

In reference to claim 7, Olsen discloses all the elements of this claim except wherein the auxiliary controller communicates with the primary controller via a wide area network having a bandwidth of less than or equal to 10,000 bits per second. Karmarkar teaches a gaming network that communicates over a wide area network at a bandwidth of 10kbps (col 2, ln 26-29).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Olsen and Karmarkar to yield predictable result of a gaming wide area network that is able to transfer gaming data at a certain rate.

6. Claims 8, 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,110,043) as applied to the claims above, and further in view of Giobbi (US PGPub 2003/0045354).

In reference to claim 8, Olsen discloses all the elements of this claim except wherein the auxiliary controller communicates with the gaming terminals via a local area network having a bandwidth approximately equal to 10 mega bits per second. Giobbi

teaches using a local area network with data transfer rates of 10, 100 and 1000 megabits per second (pg 3, par 24).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Olsen and Giobbi to yield the predictable result of a gaming local area network that is able to transfer gaming data at a certain rate.

In reference to claim 10, Olsen discloses all the elements of this claim except wherein the auxiliary controllers and the primary controller are geographically separate and each of the auxiliary controllers are disposed at separate venues. Giobbi teaches a gaming network that links a host computer to a plurality of gaming machines and the gaming network may encompass multiple gaming establishments (pg 3, par 24).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Olsen and Giobbi to yield the predictable result of allowing gaming machines to be located at separate locations to communicate.

In reference to claim 23, Olsen discloses all the elements of this claim except wherein the first communication means is a local area network and the second communication means is a wide area network. Giobbi teaches that when the network encompasses multiple gaming establishments and is therefore a wide area network, the gaming machines at each gaming establishment are interconnected by a local area network (pg 3, par 24).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Olsen and Giobbi to yield the predictable

result of allowing gaming machines located close together to communicate along a local area network and communicate with other gaming machines at other geographic location along a wide area network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3714

/Marcus D. Jones/
Examiner, Art Unit 3714

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714